

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Payson and Camp Verde, Arizona)
MB Docket No. 03-160
RM-10706

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 8, 2003

Released: October 10, 2003

By the Assistant Chief, Audio Division:

1. In response to a Petition for Rule Making filed by Sierra H Broadcasting, Inc. ("Sierra"), licensee of Station KAJM, Payson, Arizona, the Commission has before it for consideration the Notice of Proposed Rule Making, requesting changes to the FM Table of Allotments. Sierra requests the reallocation of Channel 282C from Payson, Arizona to Camp Verde, Arizona, and the modification of its license for Station KAJM to specify operation on Channel 282C at Camp Verde. Sierra filed comments restating its intention to file an application for Channel 282C at Camp Verde. No other comments were received in response to the Notice in this proceeding.

2. The proposed reallocation of Station KAJM was filed pursuant to the provisions of Section 1.420(i) of the Commission's Rules, which permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. In support of its proposal, Sierra states that the proposed use of Channel 282C at Camp Verde is mutually exclusive with the use of that channel at Payson, the reallocation falls under Priority (3), first local service while retention of the channel in Payson falls under Priority (4), the reallocation will not remove the community's sole local service, and the community of Camp Verde is not part of any urbanized area. Sierra also submitted information showing that Camp Verde fully satisfies the FCC definition of a "community" for allotment purposes.

1 Payson and Camp Verde, Arizona, 18 FCC Rcd 14391 (M.B. 2003).

2 See Modification of FM and TV Authorizations to Specify a new Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).

3 The FM Allotment priorities are: (1) First full-time aural service; (2) Second full-time service; (3) First local service; and (4) Other public interest matters. [Co-equal weight is given to priorities (2) and (3).]

4 Camp Verde has an elected mayor and city council as well as a town manger. Camp Verde has its own police and

3. Based upon the information presented in this proceeding, we believe the public interest would be served by the reallocation of Channel 282C from Payson to Camp Verde, since it would provide a first local service for the community. The change of community of license for Station KAJM will not result in the removal of sole local aural service for Payson as the community will continue to be served by Station KMOG(AM) and Station KNRJ(FM). A staff engineering analysis indicates that Channel 282C can be allotted to Camp Verde in compliance with the Commission's spacing requirements at coordinates 34-25-48 and 111-30-16.⁵ Our analysis further shows that since Sierra is not requesting a change in channel or transmitter site, there will be no gain or loss areas. As Sierra has stated its intention to use its current authorized site for Station KAJM, it will be expected to specify its current authorized site for Station KAJM for the application for a construction permit and a license for Station KAJM, Camp Verde. Although no site or channel change is intended, the Mexican Government will be notified of the change of community since Camp Verde is located within 320 kilometers of the U.S.-Mexican border.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 24, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

Community	Channel Number
Camp Verde, Arizona	282C
Payson, Arizona	257A, 266C1

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the authorization of Sierra H. Broadcasting, Inc. for Station KAJM, Channel 282C, Payson, Arizona, IS MODIFIED to specify operation on Channel 280C at Camp Verde, Arizona, subject to the following conditions:

- (a) Within 90 days of the effective date of the *Order*, the licensee of Station KAJM shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be

fire departments, post office and zip code, public library, public school system, local newspaper, Chamber of Commerce, over 15 churches and numerous businesses that serve residents of the community.

⁵ The allotment of Channel 282C at Camp Verde conflicts with the proposed allotment of Channel 282C at Lake Montezuma, Arizona, in MB Docket 02-12. See 17 FCC Rcd 1660 (M.B. 2002). On March 18, 2002, Sierra filed a petition which was accepted as a counterproposal in MB docket No. 02-12 proposing the reallocation of Station KAJM from Payson, Arizona, to Lake Montezuma, Arizona. On September 10, 2002, Sierra withdrew the proposal in accordance with Section 1.420(j) of the Commission's Rules. Although Docket 02-12 is not final, an Order was released on July 24, 2003, dismissing Sierra's counterproposal for Lake Montezuma. See DA 03-2349.

conducted in accordance with Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

6. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, IF THE REQUEST IS GRANTED, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Sierra H. Broadcasting, Inc., licensee of Station KAJM, Payson, Arizona, is required to submit a rulemaking fee in addition to the fee required for the application to effectuate the change in community of license for Station KAJM, Channel 282C, Payson, Arizona, to Channel 282C, Camp Verde, Arizona.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

